

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

-against-

Civil Action No. 19-cv-3998

CIGARETTES UNLIMITED, L.C., JOHN A. LASH, III,
ANITA LASH, STEPHEN DABNEY RILEY, SHANA L.
BILLER, MARY RILEY, MARGARET L. CLARK,
CANDICE S. FOX, MONIQUE PEARSON, JULIUS
PETERS-BRANDON, JOANNA S. PETTIES, PAULA K.
SLOAN, DERRICK L. WHITING, JESSICA
WHITEHEAD, ELIZABETH R. WINDHAM, DEBRA A.
ANTICO, JOSEPH N. ANTICO, THOMAS
GUGLIELMO, MERYLE MCGOWAN, ROBERT A.
SCHMIDT, RAZIK K. SHARKI, and John or Jane Doe 1-
30,

Defendants.

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DECLARATION OF DEBRA ANTICO

Debra Antico declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. My name is Debra Antico. I reside in Staten Island, New York, and have done so for the past 17 years.
2. This declaration describes many of my interactions with the defendants Cigarettes Unlimited, L.C., ("Cigarettes Unlimited") and certain persons who were identified to me as owners or employees of Cigarette Unlimited. This declaration sets forth my present recollections, but does not necessarily contain all of the information that I possess concerning Cigarettes Unlimited and its owners and employees.

3. In or around 2014, I began to drive to Virginia to purchase Virginia-taxed cigarettes from Cigarettes Unlimited. I went to Cigarettes Unlimited for my cigarette purchases at the recommendation of a friend, Thomas Guglielmo. All of my purchases were made from Cigarette Unlimited's Dale City location, located at 4315 Dale Boulevard (A), Woodbridge, VA 22193. Cigarettes Unlimited was the only Virginia store from which I purchased cigarettes.

4. When I first began traveling to Cigarettes Unlimited, I would drive there alone. In November 2018 someone attempted to rob me; after that my son Joseph Antico Jr. would accompany me when I went to Cigarettes Unlimited to purchase cigarettes.

5. I placed my cigarette orders over the telephone before driving down to Cigarettes Unlimited. I called either of two persons, known to me as "Julius," and "Paula"; usually "Julius." I understood Julius to be the manager and Paula to be the assistant manager of Cigarettes Unlimited Dale City location. When I originally began to purchase cigarette from Cigarette Unlimited in 2014, I was not required by the then-manager, who I knew as "Stephanie," to call in my order in advance of arriving at the store. Later, when the person known to me as "Julius" became manager of the Cigarettes Unlimited Dale City location, he required that I telephone my order in advance. Julius told me that the store owner, who I know to be John Lash, had implemented the advance order procedure, which has been in place for about the last two years.

6. For example, if I wanted to pick-up my cigarette order at Cigarettes Unlimited on a Friday, I was required to call the order in on the preceding Wednesday; for a Tuesday or Wednesday pick up, I was required to call the order in on a Friday. I called the orders in from a telephone with a 347 area code.

7. I usually purchased 150 to 170 cartons per trip, typically Newport, Marlboro, and Parliament, which are the most popular brands in New York City. I also purchased one or two cartons of the less popular brands. I generally paid \$58.00 per carton. When I received my order at Cigarettes Unlimited, the cigarettes were always packed in cases.

8. In addition to the cigarettes I purchased to sell myself, I made purchases for Thomas Guglielmo, the friend who, as I stated above, introduced me to Cigarettes Unlimited. After Mr. Guglielmo learned that I was going to Virginia to buy cigarettes, and that I needed money, he asked me to purchase cigarettes for him as well. He paid for the rental car and other expenses, which amounted to approximately \$200.00 per trip. In addition, Mr. Guglielmo paid me \$300.00 per trip each time I travelled to Virginia to make cigarette purchases for him.

9. When I placed orders at Cigarettes Unlimited, I would place an order for myself and one for Mr. Guglielmo. Mr. Guglielmo would come to my house to bring me the cash needed for the order or I would go to his house. His cell number is 718 208-9227.

10. Mr. Guglielmo has sold untaxed cigarettes for a long time, although never as a wholesaler – he sold “retail,” anywhere from 2-12 cartons per person, largely to individuals, not businesses. Mr. Guglielmo had a regular business selling door-to-door, supplying many people on a route that he had mapped out. I do know of a bowling alley in Staten Island to which he sold untaxed cigarettes. Mr. Guglielmo told me he cleared \$10.00 per carton re-selling Virginia-stamped cigarettes.

11. Upon returning with from Cigarettes Unlimited with my purchases and those for Mr. Guglielmo, I usually dropped off his order at his home at 69 Ericka Loop, Staten Island. He kept the cigarettes in his garage.

12. I arrived at Cigarettes Unlimited usually at 7 a.m., before regular business hours, which began at 9 a.m. There were no other customers in the store after I arrived or while I was in the store; customers began to arrive as I was leaving.

13. My order would be waiting for me when I arrived, in a back room. I would review the order with Julius or Paula, count the cartons, count the money and Julius or Paula would ring-up the order on the register. I always paid them in cash. At some point, the store began to use a cash counting machine for my payments. After the cases were counted they were put into black garbage bags.

14. Originally, Cigarettes Unlimited never provided with receipts for my purchase, but after there were mistakes in my order, I began to request receipts. Two receipts, for purchases I made on __, 2019 and __, 2019 are attached to this declaration as Exhibit A.

15. If my son Joseph had not come with me, Julius would help me load the cases of cigarettes into my vehicle. I would tip Julius \$20 if he helped me load.

16. Julius and Paula knew that I was from NY. I told them I was from NY and I would make comments to them about how terrible the traffic was coming down from New York or how bad traffic was on the Verrazano Bridge or what a long drive it had been from New York. Paula and Julian referred to me in conversations with other store personnel as "Debbie from New York."

17. I saw several other people making large bulk purchases. For example, the person I knew as Meryle McGowan completely packed-up her vehicle with cigarettes.

18. I also met at the store a person named Rob Schmidt, who I knew from New York because my son Joseph worked for him in Schmidt's fireworks business. Beginning in about 2014, Rob Schmidt began to purchase cigarettes at Cigarettes Unlimited for my husband

Joseph Antico Sr., after my husband had been arrested and could no longer transport cigarettes. Schmidt would make bulk purchases at Cigarettes Unlimited both for resale by my husband and by Schmidt himself. Eventually, Schmidt developed his own customers and would purchase at Cigarettes Unlimited only for his own re-sales.

19. While present at Cigarettes Unlimited I saw cigarette orders that were for pick-up by both Rob Schmidt and Meryle McGowan. They both bought what I believed to be excessive amounts of cigarettes. Their orders were “wall-to-wall cigarettes.” Rob Schmidt was in my opinion a “big” seller – I knew him to act as a wholesaler who would go to Queens and Brooklyn to sell.

20. Cigarettes Unlimited employees (Julian and Paula) told me that Rob Schmidt and Meryl McGowan were buying cigarettes, and I saw each of them at the store, driving vehicles with NY plates. Julian and Paula referred to Meryl as “Meryl from New York,” just as they referred to me as “Debbie from New York.”

21. I also saw someone there named Joe, who told me he came from Brooklyn and who had New York plates on his vehicle. He would also arrive early; I saw him at Cigarettes Unlimited four or five times. There was also a buyer named Mary who had New York plates on her vehicle.

22. I saw the person identified to me as John Lash, the store owner, in the store perhaps three times, and spoke to him by telephone once and face-to-face in the store twice. John Lash knew me as “Debbie from New York,” because that is how Paula and Julian referred to me when speaking to John Lash.

23. One of the conversations I had with John Lash was over a disputed transaction and occurred when I was in the store and he was on the telephone. Paula claimed that

on a \$4000 sale, I had shortchanged the store \$1200. I disputed this, but John said I could no longer come to the store unless I paid \$1200, which I did.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 6, 2019
Staten Island, New York

A handwritten signature in blue ink, appearing to read "Debra Antico", written over a horizontal line.

DEBRA ANTICO

EXHIBIT A

CIGARETTES
UNLIMITED
DATE 01/11/2019 FRI TIME 11:40

17X	@ 57.72	
REG CARTON T1		\$981.24
13X	@ 56.27	
REG CARTON T1		\$731.51
63X	@ 53.59	
REG CARTON T1		\$3376.17
2X	@ 49.33	
REG CARTON T1		\$98.66
6X	@ 38.74	
GEN CARTON T1		\$232.44
GEN CARTON T1		\$39.89
5X	@ 45.30	
REG CARTON T1		\$226.50
3X	@ 72.22	
REG CARTON T1		\$216.66
4X	@ 55.55	
REG CARTON T1		\$222.20
4X	@ 5.85	
REG CARTON T1		\$23.40
2X	@ 72.22	
REG CARTON T1		\$144.44
6X	@ 72.22	
REG CARTON T1		\$433.32
REG CARTON T1		\$58.90
TAX1		\$407.12
TOTAL		\$7192.45
CASH		\$7192.45
CLERK 1	492370	00000

\$ 210.00

